

OCT 04 2004

Docket No. 209807US-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Mikael FLOVEN et al

SERIAL NUMBER: 09/881,709

FILED: JUNE 18, 2001

FOR: SYSTEM AND METHOD FOR INDIVIDUALLY ADAPTED TRAINING

PETITION FOR ATTORNEY WITHDRAWAL UNDER 37 CFR 1.36

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The Attorneys of Record in the present Application hereby respectfully petition to withdraw from any further representation of the Applicant of the subject application under the provisions of and in compliance with the criteria set forth in 37 CFR 10.40(c)(iv), "[the client] By other conduct renders it unreasonably difficult for the practitioner to carry out the employment effectively." Applicant was notified through their foreign associate of the April 23, 2004 office action. Responsive thereto the foreign associate advised the undersigned further expenses were not to be incurred without specific instructions to proceed and it was uncertain as to whether a response to the office action would be authorized. The foreign associate was advised that without specific instructions to abandon the file by the final, non-extendable due date of October 23,

2004, a continuation application would be filed since practitioners are required to maintain pendency of an application without such specific instructions.

The undersigned has now learned the Applicant, more specifically the first named inventor Mikael Flöven, has conducted an interview with the Examiner and subsequently filed his own response to the action directly with the U.S. Patent & Trademark Office. In light of the clients failure to provide the practitioner with instructions and his decision to take action directly with the Patent Office it is believed clear the client does not wish to continue the employment of the practitioner. Further, it is not possible for the practitioner to effectively prosecute an application in which he is circumvented in responding to an action and thereby having no knowledge of or input into said prosecution. The Notice of Non-Compliant Amendment dated September 27, 2003, is being forwarded to Applicant's foreign associate, with a copy of the letter to Applicant, along with a copy of this petition concurrently with the filing of this petition.

It is requested that all further communications be forwarded to the Applicant's foreign associate at the following address:

ALBIHNS PATENTBYRA MALMO AB  
Box 4289  
Stora Nygatan 29  
Malmo S-203 14  
Sweden

The Assignee' address is as follows:

USE YOUR CELL AB  
Lutzengatan 9  
115 20 Stockholm  
Sweden

The inventor(s) last known address is:

Mikael Floven  
Beckbrannarbacken 1  
116 35 Stockholm, Sweden

Johan Lidman  
Starrangsringen 47  
115 50 Stockholm, Sweden

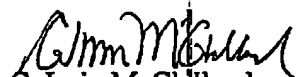
As the principal attorney for the above-identified application I, C. Irvin  
McClelland, have the authority to execute and have executed this petition on behalf of all  
of the attorneys of record, namely, all the attorneys/agents associated with the following  
customer number:

Customer Number  
22850

Granting of this petition is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
C. Irvin McClelland  
Attorney of Record  
Registration No. 21,124

1940 Duke Street  
Alexandria, Virginia 22314  
(703) 413-3000  
Fax: (703) 413-2220